

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT DEAN MAYS

Petitioner,

vs.

ANTHONY HEDGPETH, *et al.*,

Respondents.

Case No.: 11-CV-5531 YGR

ORDER TO SHOW CAUSE

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the \$5.00 filing fee. It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court **ORDERS** as follows:

1. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk shall also serve a copy of this Order on Petitioner at his current address.

2. Respondent shall file with this Court and serve upon Petitioner, within **sixty-three (63) days** of the issuance of this Order, an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the Answer a copy of all portions of the relevant state records that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.

3. If Petitioner wishes to respond to the Answer, he shall do so by filing a Traverse with the Court and serving it on Respondent within **sixty-three (63) days** of his receipt of the


1 Answer. Should Petitioner fail to do so, the petition will be deemed submitted and ready for
2 decision **sixty-three (63) days** after the date Petitioner is served with Respondent's Answer.

3 4. Respondent may file with this Court and serve upon Petitioner, within **sixty-three**
4 **(63) days** of the issuance of this Order, a motion to dismiss on procedural grounds in lieu of an
5 Answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section
6 2254 Cases. If Respondent files such a motion, Petitioner shall file with the Court and serve on
7 Respondent an opposition or statement of non-opposition to the motion within **sixty-three (63)**
8 **days** of receipt of the motion, and Respondent shall file with the Court and serve on Petitioner a
9 reply within **fourteen (14) days** of receipt of any opposition.

10 5. Extensions of time are not favored, though reasonable extensions will be granted.
11 Any motion for an extension of time must be filed no later than **fourteen (14) days** prior to the
12 deadline sought to be extended.

13 **IT IS SO ORDERED.**

14
15 **Date: May 16, 2013**

16 
17 **YVONNE GONZALEZ ROGERS**
18 **UNITED STATES DISTRICT COURT JUDGE**